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12 Attorneys for Plaintiff
UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 ALI F. ELMEZAYEN,
19 aka "Ali Sayed,"

20 Defendant.

No. CR 18-809(A)-JFW

STIPULATION FOR ENTRY OF FINAL
ORDER OF FORFEITURE

[PROPOSED ORDER LODGED HEREWITH]

21
22 1. Plaintiff United States of America and Petitioner Rabab
23 Diab hereby agree and stipulate as follows:

24 2. On March 16, 2020, the Court entered a Preliminary Order of
25 Forfeiture ("POF"), ordering the forfeiture of defendant Ali F.
26 Elmezayen's interest in \$80,000.00 in bank funds seized from JP
27 Morgan Chase Bank account '3504, having found that the funds, a
28 portion of the monies paid in response to claims on the referenced

1 insurance policies, represented proceeds of the crimes of defendant's
2 conviction.

3 3. Also on March 16, 2020, the Court entered a money judgment
4 of forfeiture, requiring defendant to "forfeit to the United States
5 the sum of \$181,751.70" (representing the amount of insurance
6 proceeds paid that were not recovered by the government) and allowing
7 the government to, "at any time, move pursuant to Rule 32.2(e) to
8 amend this Order of Forfeiture to substitute property having a value
9 not to exceed \$181,751.70 to satisfy the money judgment in whole or
10 in part." (Dkt. 404 at 2.) On June 4, 2020, the Court entered an
11 order amending the money judgment, ordering that \$167,544.42 in bank
12 funds seized on or about April 24, 2020, be applied in partial
13 satisfaction of the outstanding money judgment. (Dkt. 421.)

14 4. Each of the POF and order amending the money judgment
15 instructed the government to commence an "ancillary proceeding"
16 pursuant to Rule 32.2(c) of the Federal Rules of Criminal Procedure,
17 during which third parties were to be given an opportunity to claim
18 an interest in the property identified in the POF and amended money
19 judgment, and have their alleged interests adjudicated pursuant to
20 Rule 32.2(c). (See Dkt. 403, 421). To that end, the government was
21 ordered to (a) publish notice of the POF and amended money judgment;
22 and (b) to the extent practicable, provide written notice to any
23 person known to have an alleged interest in the property subject to
24 forfeiture therein. *Id.*

25 5. The government has complied with its obligations.
26 Beginning on March 24, 2020, and ending on April 22, 2020, the United
27 States caused to be published on an official government internet site
28

(www.forfeiture.gov) notice of the forfeiture of the \$80,000.00 seized from JP Morgan Chase Bank account '3504; and, beginning on June 9, 2020, and ending on July 8, 2020, the United States caused to be published on www.forfeiture.gov notice of the forfeiture of the \$167,544.42 applied to the amended money judgment. (See Dkt 414, 433.) Each of the notices advised of the government's intent to dispose of the listed funds in accordance with law and as specified in the POF and amended money judgment, and further notified all eligible third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of their alleged legal interest in the seized funds. The sole petition was filed by Rabab Diab ("Petitioner").

6. No other parties have filed petitions in this proceeding, and the time for filing such petitions has expired. Entry of the final order of forfeiture is proper because the public notice provisions governing criminal forfeiture have been met. The parties to this stipulation hereby request that a Final Order of Forfeiture be entered, and the property identified therein be disposed of as follows:

a. The sum of \$167,544.42, without interest, will be returned to Petitioner; and

b. The remaining \$80,000.00 plus the interest earned on the entire amount of the seized funds will be forfeited to the United States of America and no other right, title or interest shall exist therein. The Government will dispose of the funds in accordance with law.

1 7. Petitioner has released the United States of America, its
2 agencies, agents, and officers, including, without limitation,
3 employees and other representatives of the Federal Bureau of
4 Investigation, from any and all claims, defenses, actions, or
5 liabilities arising out of or related to this action against seized
6 funds, including, without limitation, any and all claims for
7 attorneys' fees, costs, or interest which may be asserted by her or
8 on her behalf.

9 8. The parties shall bear their own costs and attorneys' fees
10 in this action.

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